

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Office of General Counsel

1 May 1984

Graeme W. Bush, Esquire
Caplin and Drysdale
1101 17th Street, N.W.
Washington, D.C. 20036

Dear Graeme:

Re: CNSS v. CIA -- Count XII

It is my understanding that your clients have decided to accept the CIA's offer of settlement with respect to Count XII of the above litigation. As you will remember, by letter dated 28 December 1983, Patricia Kenney set forth the terms of the proposed settlement, which would include the provision of a list of items discovered during a search of a certain NPIC file. By letter dated 5 March 1984, you responded to Ms. Kenney's letter, stating that the concept of the settlement was acceptable with certain caveats. By letter dated 5 April 1984, Ms. Kenney responded to the concerns set forth in your 5 March letter.

Enclosed herewith for delivery to your clients, and in full settlement of Count XII, is the list of items which we promised to prepare. It is my belief that this document accurately and completely describes all of the nonintelligence uses of photo-reconnaissance systems which could be located by the CIA through its search of the appropriate NPIC file.

I wish to emphasize that neither you nor your clients should construe this list in any fashion as confirming or indicating that a particular entry or document refers to a specific type of technical photoreconnaissance system.

If you have any questions, please contact me at 351-6928.

Sincerely,



E. Page Moffett
Assistant General Counsel

Enclosure

(1) An internal information memorandum, dated 4 March 1968, with attached agenda. This document refers to a 6 March 1968 inter-agency symposium on the potential uses of classified reconnaissance photography within the civil community. The topics of the symposium were to include hydrology, geography, geology, maps and mapmaking, agricultural land use, forestry and oceanography;

(2) A memorandum for the record, dated 10 June 1968. This document summarizes an inter-agency meeting on potential non-intelligence uses of classified overhead reconnaissance photography. The topics discussed include hydrology, oceanography, snow-cover and sea-ice surveys, land use and urban maps, and Office of Emergency Planning contingency planning;

(3) An undated memorandum, circa 1968. This document describes a liaison relationship with the Office of Emergency Preparedness concerning the potential use of classified overhead reconnaissance photography for emergency planning and disaster management;

(4) A memorandum for the record, dated 29 October 1968, referring to guidance against making recommendations for acquisition of photography for "peaceful purposes," i.e., purposes not directly related to supporting foreign intelligence activities;

(5) A memorandum, dated 11 February 1969. This document concerns Project "OILSLICK." No details of the project are contained in this memorandum, and referenced briefing materials are not attached.

(6) A memorandum, dated 4 March 1969. This document refers to a 27 February discussion on the use of classified overhead reconnaissance photography for domestic mapping;

(7) A memorandum, dated 1 May 1969. This document contains the same subject matter as Document No. 6;

(8) A memorandum, dated 26 May 1969. This document contains the same subject matter as Documents No. 6 and 7.

(9) A memorandum, dated 16 June 1969. The subject of this document is the Office of Emergency Preparedness collection requirements for classified overhead reconnaissance photography;

(10) A transmittal letter, dated 25 July 1969. This document forwarded ~~to~~ USGS six frames of classified photography suitable for mapping;

(11) A memorandum, dated 11 July 1969. This document contains information concerning an inter-agency meeting on non-intelligence uses of classified overhead reconnaissance photography. Topics included the use of imagery for road planning, canal design, mapping and polar navigation;

(12) A memorandum, dated 5 June 1969. This document discusses an inter-agency meeting concerning the use of reconnaissance photography and its potential application for oceanography and other civil mapping applications.

(13) and (14) Diary entries, dated 5 June and 14 June 1978, respectively. These documents record briefings to Department of Commerce officials which apparently included sections on possible civil applications;

(15) Diary entry, dated 19 June 1978. This document records NPIC support in providing NOAA the use of mensuration equipment to examine airport approaches;

(16) Diary entries, dated 20 June and 28 June 1978. These documents record a proposal to furnish EPA with seven to ten-year old classified photography and related materials (returned by the Office of Emergency Preparedness) for use as an historical database;

(17) and (18) Diary entries, dated 24 August and 29 August 1978, respectively. These documents record the receipt of a request from the United States Army Corps of Engineers for classified overhead reconnaissance photography to support domestic dam safety inspection study;

(19), (20) and (21) Diary entries, dated 23 October, 25 October and 1 November 1978, respectively. These documents record NPIC production of enlargements of domestic photographs for EPA briefing purposes. Photographs depicted activities such as stripmining, off-shore oil drilling, agricultural pesticide use, railroad yards, waste dumping and land use. NPIC was asked to produce the enlargements because EPA did not have an adequate enlargement ability;

(22) Diary entry, dated 21 November 1978. This document records discussions of NPIC contacts with EPA photography interpretation facility and EPA use of classified overhead reconnaissance photography;

(23) Undated document, circa 1978. This document refers to exchanges of technical information with EPA, USGS and USDA relevant to uses of unclassified and classified overhead reconnaissance photography.

(24) A document dated 14 May 1980. This is the 1979 annual report on NPIC inter-agency liaison. It includes a reference to an EPA review of classified overhead reconnaissance photography of an oil spill;

(25) A transmittal memorandum, dated 11 September 1978. This document transmitted imagery and technical data on classified overhead reconnaissance photography to EPA for use as an historical database;

(26) A 1978 inter-agency liaison report, dated 2 March 1979. This document discusses contacts on photographic technology matters with non-intelligence agencies;

(27) A diary entry, dated 16 March 1979. This document contains internal discussions concerning NPIC support to civilian agencies and a restatement of the objective of ensuring the legality of such arrangements;

(28) A July 1967 briefing board. This document apparently is one of those explicitly specified in your letters of October 6, 1980 and November 26, 1982. This document is the "Detroit Riot Briefing Board," a one-time internal exercise to test the ability to use an already collected classified reconnaissance photograph to monitor incoming information a large-scale civil disturbance in a foreign area. The board consists of an enlargement of an undated classified photograph taken in 1966, inset with unclassified press photographs, of the rioting in Detroit. We were unable to find any records or indications of an external requirement for this briefing board. (The board was prepared in one copy with no dissemination outside NPIC recorded).

(29) A diary entry, dated 7 May 1979. This document reflects a phone call from The Washington Post on the basis of information apparently provided by Plaintiff Halperin. This document mentions the existence of the briefing board and the fact that a subsequent search was conducted to find further background information concerning the briefing board. This document also reflects that the search for additional information was fruitless;

(30) A diary entry, dated 29 August 1979. This document records an inquiry concerning the source of a requirement for classified overhead reconnaissance photography of U.S. territory;

(31) A memorandum, dated 31 August 1977. This memorandum documents provision of NPIC mensuration support to an NOAA study to determine the feasibility of using classified overhead reconnaissance photography in airport safety studies.

NO 1966 DOCUMENTS RESPONSIVE TO PLAINTIFF'S REQUEST WERE LOCATED